



3623

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/312,740	
	Filing Date	5/14/1999	
	First Named Inventor	Douglas F. Beaven	
	Art Unit	3623	
	Examiner Name	Heck, Michael C.	
Total Number of Pages in This Submission	13	Attorney Docket Number	beaven01.001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
RECEIVED MAR 5 - 2004 GROUP 3600		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

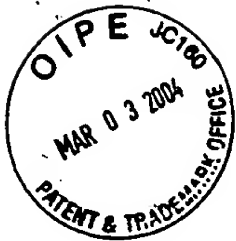
Firm or Individual	Gordon E. Nelson #30,093
Signature	<i>Gordon E. Nelson</i>
Date	1 March 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 1 March 2004			
Typed or printed	Gordon E. Nelson		
Signature	<i>Gordon E. Nelson</i>	Date	1 March 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



beaven01.001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(beaven01.001)

5 Applicant: Douglas F. Beaven Paper No.:
Application No: 09/312,740 Group Art Unit: 3623
Filed: 5/14/99 Examiner: Heck, Michael

10 Title: *Processing management information*

15 Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED

MAR 5 - 2004

GROUP 3600

Response to restriction requirement under 37 C.F.R. 1.142

Summary of the prosecution

- 20 On 12/30/02, Examiner mailed a first Office action in the above application in which he required a new Declaration, required correction of the Drawing as specified in the *Notice of Draftperson's patent drawing review*, PTO-948, objected to the Drawing as having two identical figures, and required correction of the drawing; objected to the Specification; and objected to various informalities in claims 11, 12, 13, 14, 26, 27, 28, and 43.
- 25 Examiner further rejected claims 2-23, 39-62, 64-94, and 96-125 for indefiniteness under 35 U.S.C. 112, second paragraph, rejected claims 1, 24, 28, 29, 31, 34, 35-37, 38, 63, and 95 under 35 U.S.C. 103(a) as obvious over Lowery, *Managing projects with Microsoft Project 4.0 for Windows and Macintosh*, version 4.0, Van Nostrand Reinhold, 1994 (henceforth "Lowery"), rejected claims 25, 33, and 36 under 35 U.S.C. 103(a) as
- 30 being unpatentable over Lowery combined with *ManagePro 2.0 for Windows, version 2.0, Reference Manual*, Avantos Performance Systems, Inc., 1993 (henceforth "Managepro"), and rejected claims 26, 27, 30, and 32 under 35 U.S.C. 103(a) as obvious over Lowery in combination with published U.S. patent application 2001/0027455, Abulleil et al., having an effective filing date of 8/21/98 (henceforth "Abulleil").
- 35 Applicant amended his Specification, Drawing, and claims to overcome the objections thereto and traversed the rejections of the claims under 35 U.S.C. 112, second paragraph and 35 U.S.C. 103(a) in a response filed on 4/28/03 with a one-month extension of time.

Applicant received a second non-final Office action in the above application mailed 7/16/03. In the second Office action, Examiner indicated that Applicant's traversal of the rejections had been persuasive. Examiner objected to the Specification and Drawing on the basis of further errors and objected to claims 14, 19, 85, 86, and 122 because of informalities. In his new grounds of rejection, Examiner rejected claims independent claims 1, 38, 63, and 95 as lacking patentable utility and as being addressed to non-patentable subject matter. The dependent claims were rejected as being dependent on claims 1, 38, 63, and 95.

Examiner further rejected claims under 35 U.S.C. 103 as follows:

- Claims 1-26, 28, 29, 31, 34-62, and 95-125 as being unpatentable over Lowery in view of Pearce, et al., *Strategic Management: Formulation, Implementation, and Control*, 4th edition, Richard D. Irwin, Inc., 1991, henceforth "Pearce".
- Claim 30 as being unpatentable over Lowery in view of N. Tatum, *Verity and Yahoo! Inc. Sign Distribution Agreement*, Verity, Inc., Sunnyvale, CA, April 12, 1999, henceforth "Tatum".
- Claims 32 and 33 as being unpatentable over Lowery in view of *Managepro 2.0 Reference Manual* (Managepro 2.0 for Windows, version 2.0, Reference Manual, Avantos Performance Systems, Incorporated, 1993), henceforth "Managepro"
- Claims 63-94 are rejected as being unpatentable over Lowery in view of Pearce and Carter, "As program management Function evolves, Benefits Increase", *Water Engineering and Management*, Des Plaines, Vol. 142, issue 3, Mar. 1995.

Applicant rendered the foregoing rejections moot by replacing the claims then in the application in the application with a new set of claims 126-186. In replacing the present claims, Applicant was by no means conceding the correctness of Examiner's rejections of the present claims, but rather merely taking advantage of his right to claims which set forth his invention in the most advantageous manner.

Applicant next received a restriction requirement in the application in which Examiner determined that the original claims were classified in class 705, subclass 7, while the new

claims 126-186 were classified in class 709, subclass 204. Examiner further determined that since Applicant had already received an action on the original claims, Applicant had constructively elected the invention of the original claims for prosecution on the merits. On the basis of that determination, Examiner withdrew new claims 126-186 from
5 consideration as being directed to a non-elected invention.

Applicant is responding to the restriction requirement by canceling claims 126-186 without prejudice and adding new claims 187-210 which should be classified in class 705, subclass 7 and thereby overcome the restriction requirement. Applicant will further
10 demonstrate why the new claims are patentable over the references.